

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-10192

United States of America

v.

One Star Class Sloop Sailboat Built in 1930 with hull number 72I, Named "Flash II",

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/9/05 .

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 4, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/4/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10192-RWZ**

USA v. One Star Class Sloop Sailboat Built in 1990 with
Hull Number Named Flash II
Assigned to: Judge Rya W. Zobel
Cause: 21:881 Forfeiture Property-Drugs

Date Filed: 02/01/2005
Jury Demand: Defendant
Nature of Suit: 620 Forfeit/Penalty:
Food and Drug
Jurisdiction: U.S. Government Plaintiff

Plaintiff

USA

represented by **Shelby D. Wright**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3100
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Email: Shelbey.Wright@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**One Star Class Sloop Sailboat Built
in 1990 with Hull Number Named
Flash II**

Claimant

Harry E. Crosby

represented by **J. Thomas Kerner**
230 Commercial Street
First Floor
Boston, MA 02109
617-720-5509
Fax: 617-720-0707
Email: thomas.kerner@verizon.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claimant

Kerry Scott Lane, M.D.

represented by **Brenda Grantland**
Law Office of Brenda Grantland
20 Sunnyside

Suite A-204
 Mill Valley, CA 94941
 US
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ATTORNEY TO BE NOTICED

Eric B. Goldberg
 Seegel Lipshutz & Wilchins, P.C.
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2005	1	COMPLAINT against One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II Filing fee: \$ 150, receipt number na, filed by USA. (Attachments: # 1)(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	2	WARRANT AND MONITION issued (Urso, Lisa) (Entered: 02/04/2005)
02/28/2005	4	VERIFIED CLAIM by Harry E. Crosby, (Johnson, Jay) (Entered: 03/01/2005)
03/01/2005	3	ANSWER to Complaint with Jury Demand by Harry E. Crosby.(Johnson, Jay) (Entered: 03/01/2005)
03/04/2005	5	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. Ralph Anderson served Delivered on 2/14/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	6	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. Gregory Olaf Anderson served Delivered on 2/18/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	7	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. J. Thomas Kerner served Delivered on 2/14/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	8	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. One Star Class Sloop Sailboat Built in 1930 w/ Hull Number

		721 Named Flash 2 served Delivered on In USMS Custody (Johnson, Jay) (Entered: 03/07/2005)
03/14/2005	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 4/19/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 03/14/2005)
04/18/2005	<u>10</u>	JOINT STATEMENT re scheduling conference pursuant to Local Rule 16.1. (Wright, Shelby) (Entered: 04/18/2005)
04/19/2005		Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 4/19/2005. within a month for motion for default judgment; enter judgment of forfeiture (Urso, Lisa) (Entered: 04/21/2005)
05/04/2005	<u>11</u>	MOTION for Entry of Default by USA.(Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	<u>12</u>	AFFIDAVIT in Support re <u>11</u> MOTION for Entry of Default. (Johnson, Jay) (Entered: 05/05/2005)
05/31/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>11</u> Motion for Entry of Default (Urso, Lisa) (Entered: 06/03/2005)
06/03/2005	<u>13</u>	NOTICE: Clerk's ENTRY OF DEFAULT as to One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II, Gregory Anderson and Ralph Anderson (Urso, Lisa) (Entered: 06/03/2005)
06/20/2005	<u>14</u>	MOTION for Judgment of Forfeiture by Harry E. Crosby, USA, One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II. (Attachments: # <u>1</u> Judgment and Order of Forfeiture)(Johnson, Jay) (Entered: 06/21/2005)
07/15/2005	<u>15</u>	Judge Rya W. Zobel : JUDGMENT and ORDER of FORFEITURE entered. re <u>14</u> MOTION for Judgment of Forfeiture filed by USA,, One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II,, Harry E. Crosby, (Johnson, Jay) (Entered: 07/19/2005)
07/27/2005	<u>16</u>	MOTION to Set Aside Forfeiture <i>and for Leave to File Verified Statement and Answer</i> by Kerry Scott Lane, M.D..(Goldberg, Eric) (Entered: 07/27/2005)
07/27/2005	<u>17</u>	MEMORANDUM in Support re <u>16</u> MOTION to Set Aside Forfeiture <i>and for Leave to File Verified Statement and Answer</i> filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Affidavit of Kerry Scott Lane, M.D.# <u>2</u> Exhibit 1-5)(Goldberg, Eric) (Entered: 07/27/2005)
08/10/2005	<u>18</u>	Opposition re <u>16</u> MOTION to Set Aside Forfeiture <i>and for Leave to File Verified Statement and Answer</i> filed by USA. (Wright, Shelby) (Entered: 08/10/2005)
08/16/2005		Judge Rya W. Zobel : endorsedORDER entered denying <u>16</u> Motion to Set Aside Forfeiture. Because claimant admittedly knew of the seizure and deliberately declined to disclose his interest, none of the grounds for

		vacating a judgment under Rule 60(b) apply. The motion is denied. (Urso, Lisa) (Entered: 08/18/2005)
08/29/2005	<u>19</u>	MOTION to Alter Judgment by Kerry Scott Lane, M.D..(Goldberg, Eric) (Entered: 08/29/2005)
08/29/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Alter Judgment <i>Denying Motion to Vacate Default Judgment</i> filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Verified Statement# <u>2</u> Answer# <u>3</u> Affidavit Kerry Lane, M.D.# <u>4</u> Exhibit)(Goldberg, Eric) (Entered: 08/29/2005)
08/29/2005	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice by Brenda Grantland by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Affidavit # <u>2</u> Text of Proposed Order)(Goldberg, Eric) (Entered: 08/29/2005)
09/13/2005	<u>22</u>	Opposition re <u>19</u> MOTION to Alter Judgment filed by USA. (Wright, Shelby) (Entered: 09/13/2005)
09/15/2005	<u>23</u>	MOTION for Leave to File <i>Reply to the Government's Opposition to Claimant's Rule 59(e) Motion to Alter/Amend Order Denying His Motion To Vacate Default Judgment</i> by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Reply# <u>2</u> Exhibits A-D)(Goldberg, Eric) (Entered: 09/15/2005)
10/18/2005		Judge Rya W. Zobel : endorsedORDER entered denying <u>19</u> Motion to Alter/amend order denying his motion to vacate default Judgment (Urso, Lisa) (Entered: 10/18/2005)
11/03/2005		Judge Rya W. Zobel : ElectronicORDER entered granting <u>21</u> Motion for Leave to Appear Pro Hac Vice Added Brenda Grantland for Kerry Scott Lane, M.D. (Urso, Lisa) (Entered: 11/03/2005)
11/08/2005	<u>24</u>	NOTICE OF APPEAL by Kerry Scott Lane, M.D.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/28/2005. (Grantland, Brenda) (Entered: 11/08/2005)
11/08/2005	<u>25</u>	First MOTION to Stay <i>Judgment Pending Appeal</i> by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> memorandum of points and authorities# <u>2</u> Text of Proposed Order)(Grantland, Brenda) (Entered: 11/08/2005)
11/09/2005		Notice of correction to docket made by Court staff. Correction: #24 Notice of Appeal corrected because: Unsigned Document. E-mail sent describing the fix. (Johnson, Jay) (Entered: 11/09/2005)
11/09/2005	<u>26</u>	NOTICE OF APPEAL by Kerry Scott Lane, M.D.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/29/2005. (Grantland, Brenda) (Entered: 11/09/2005)
11/09/2005		Filing fee: \$ 255, receipt number 68137 regarding Notice of Appeal

		(Johnson, Jay) (Entered: 11/09/2005)
11/16/2005	27	Opposition by Harry E. Crosby to Dr Kerry S. Lane's Motion to stay judgment pending appeal.(Kerner, J.) Modified on 11/17/2005 (Johnson, Jay). (Entered: 11/16/2005)
11/17/2005		Documents terminated as this is an incorrect filing : 27 MOTION to Stay <i>opposition</i> filed by Harry E. Crosby,. (Johnson, Jay) Modified on 11/17/2005 (Johnson, Jay). (Entered: 11/17/2005)
11/17/2005		Judge Rya W. Zobel : endorsedORDER entered denying 25 Motion to Stay. Kerry Lane, M.D. may attempt to work out an escrow arrangement with the Government as to the amount he claims. (Urso, Lisa) (Entered: 11/18/2005)